

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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EASTERN CONTRACTORS, INC.,	)	
Plaintiff,	)	Civil Action No. 03-12216MLW
v.	)	
CITY OF WORCESTER and THOMAS	)	
R. HOOVER, City Manager, and HEERY	)	
INTERNATIONAL, INC. and THOMAS A.	)	
ELLIS,	)	
Defendants.	)	
	)	

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**JOINT STATEMENT OF PARTIES PURSUANT TO LOCAL RULE 16.1  
AND FED. R. CIV. P. 16 AND 26**

Pursuant to the Notice of Scheduling Conference dated April 16, 2004, Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(D) (D. Mass.), counsel for the plaintiff, Eastern Contractors, Inc. ("Eastern"), and counsel for the defendants, City of Worcester and Thomas R. Hoover ("Worcester" and "Hoover"), Heery International, Inc. ("Heery") and Thomas A. Ellis ("Ellis"), have conferred and submit the following:

**I. PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT  
SCHEDULING CONFERENCE.**

Establishment of Pretrial schedule, including discovery, motions and case management conferences.

**II. PROPOSED PRETRIAL SCHEDULE.**

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| 1. Service of Rule 26 Initial Disclosures                | 6/3/04 |
| 2. All Motions under Fed. R. Civ. P. 12, 19 and 20 filed | 8/3/04 |
| 3. Completion of party and fact witness depositions      | 2/3/05 |

4. ADR Referral	2/05
5. Deadline for plaintiff's expert disclosures	3/3/05
6. Deadline for defendants' expert disclosures	4/3/05
7. Completion of trial expert depositions	5/3/05
8. Deadline to file summary judgment motions	6/3/05
9. Oppositions to summary judgment motions due	6/24/05
10. Replies to oppositions to summary judgment motions due	6/31/05
11. Final pre-trial conference	45 days after decision on motions for summary judgment or at the Court's convenience.
12. Trial	At the Court's convenience

The parties currently believe that they will be able to conduct the above-specified discovery and motion practice within the time periods set forth above, but the parties reserve the right to request a modification to the scheduling order either by agreement of all the parties and/or by motion to the Court.

### **III. CERTIFICATION**

The parties' certifications pursuant to Local Rule 16.1(D)(3), will be filed with the Court under separate cover.

No party, except for defendants City of Worcester and Thomas R. Hoover, City Manager, consents at this time to trial before a United States Magistrate Judge.

HEERY INTERNATIONAL, INC. and  
THOMAS A. ELLIS,  
By their attorneys,



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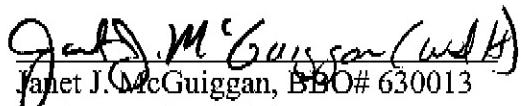
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